

CHAPTER IV. POLICY STATEMENTS

Each state agency and department is required to designate a person within their organization to serve as a Small Business and Disabled Veteran Business Enterprise (SB/DVBE) Advocate. Also, a **policy statement** memorandum should be issued from the highest level of the organization affirming their commitment to the SB/DVBE program.

A strong agency and departmental policy is important for ensuring staff efforts toward achieving SB/DVBE participation goals. However, each agency and department must decide if they wish to have a policy statement and, if so, where within the organization it should reside.

As your agency or department's SB/DVBE Advocate, you should ensure that your agency or department's policy statement is included in your department's administrative/acquisition manual, your department's website and in this section of the tool-kit.

The policy statement should be applicable to your agency or department and convey the objectives of your organization. To be effective, the policy statement should be disseminated under a cover memorandum signed by your Agency Secretary or Department Director. Finally, the policy should be distributed to executive management as well as all pertinent contracting and procurement staff within your organization.

EXAMPLES

Examples of departmental policy statements are provided on the hyperlinks below. They are provided as suggestions; however, adopting a policy statement that is similar to one of the examples, or modified as necessary to meet the needs of your organization, is highly recommended. The following departments contributed their policy statements for this section of the toolkit:

- [California Department of Corrections and Rehabilitation](#)
- [California Energy Commission](#)
- [California Highway Patrol](#)
- [Department of Consumer Affairs](#)
- [Department of Motor Vehicles](#)

CHAPTER IV. POLICY STATEMENTS

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM

The following are the California Department of Corrections and Rehabilitation's (CDCR)

Small Business and Disabled Veteran Business Enterprise (DVBE) Program policy statements relative to contracting for goods, construction, information technologies, and services.

SMALL BUSINESS POLICY STATEMENT

It is the commitment and policy of CDCR to provide small businesses with the opportunity to participate in service, commodity and construction contracts to the maximum extent feasible in the performance of contracts and subcontracts.

Further, it is the policy of CDCR to provide information and assistance to small businesses relative to certification, benefits and partnership with other State of California agencies and departments.

DVBE POLICY STATEMENT

(Note: This policy has been in place since 1993 [Assembly Bill 3301, Chapter 1330, Statutes of 1992]):

In accordance with Public Contract Code Section 10115 et seq., it is the policy of CDCR to achieve the legislatively established goal for the participation of DVBE in service, commodity and construction contracts to the maximum extent feasible. The CDCR and its Contractors shall ensure that DVBE firms have the maximum opportunity to participate in the performance of contracts and subcontracts.

The legislatively established goal for DVBE participation is three (3) percent of the total annual contract dollar amount. The potential contractor is required to either: (1) meet the DVBE participation goal, or (2) make a good faith effort (GFE) to meet the goal, or (3) submit a copy of "Notice of an Approved DVBE Business Utilization Plan." Compliance documentation must be submitted prior to contract execution. In awarding the contract, the CDCR will evaluate the potential contractor's responsiveness to the DVBE goal, GFE, and/or DVBE Business Utilization Plan.

CHAPTER IV. POLICY STATEMENTS

CALIFORNIA ENERGY COMMISSION POLICY STATEMENT FOR SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM September 2002

Governor Davis recently signed Executive Orders D-37-01 and D-43-01 mandating state agencies to conduct a minimum 25 percent of their annual purchasing/contract funds with certified Small Businesses (SB) and 3 percent with certified Disabled Veteran-Owned Business Enterprises (DVBE). These Executive Orders will change the way the Commission procures goods and services.

It is the policy of the California Energy Commission to seek out and encourage active

Small Business (SB) and Disabled Veteran Business Enterprise (DVBE) participation in all procurement opportunities. The Commission's SB and DVBE Program are mandated by Government Code Sections 927, 14838.5, 14845-6, 15379.5, 65404, and Executive Orders D-37-01, and D-43-01.

Annually, the Commission shall aggressively pursue at least 3 percent DVBE and 25% SB participation. A SB/DVBE Advocate has been appointed to assist SB's and DVBE's in their pursuit of bidding opportunities for the Commission. All Requests for Proposal's will contain the appropriate SB/DVBE language and forms to better assist bidders in their search for these types of businesses. In addition, quotes will be solicited from SB or DVBE vendors for all purchase orders to facilitate bidding opportunities for these targeted businesses.

Commission management and staff will be made aware of the Commission's commitment to the SB/DVBE Program. The SB/DVBE Advocate will coordinate training for staff. The Advocate will attend quarterly Advocate meetings held by the Department of General Services, SB/DVBE vendor fairs, and other relevant functions to facilitate the Commission's objective to meet or exceed the SB/DVBE participation requirements.

In order to assist staff with the implementation of these directives, Sandra Barnett in the Contract Office has been appointed as the Commission's SB/DVBE Advocate. Sandra will be assisting SB/DVBE vendors that want to participate in bidding opportunities and will also assist staff in achieving SB and DVBE procurement goals for the Commission.

CHAPTER IV. POLICY STATEMENTS

CALIFORNIA HIGHWAY PATROL

MIS COMM-NET MESSAGE

7-31-01

ALL COMMANDERS - NECESSARY ACTION

SUBJECT: SMALL BUSINESS AND DISABLED VETERAN-OWNED
BUSINESS ENTERPRISE REQUIREMENTS FOR PURCHASING AND
SERVICE CONTRACTS

GOVERNOR GRAY DAVIS RECENTLY SIGNED EXECUTIVE ORDERS D-37-01 AND D-43-01 WHICH MANDATE THAT STATE AGENCIES CONDUCT A MINIMUM OF 25 PERCENT OF THEIR ANNUAL BUSINESS WITH CERTIFIED SMALL BUSINESSES (SB) AND 3 PERCENT WITH CERTIFIED DISABLED VETERAN-OWNED BUSINESS ENTERPRISES (DVBE). THESE EXECUTIVE ORDERS WILL CHANGE THE WAY DEPARTMENTAL EMPLOYEES SECURE GOODS AND SERVICES.

ALTHOUGH CURRENT STATE AND DEPARTMENTAL POLICIES FOR COMMODITY PURCHASES OR SERVICE CONTRACTING REFLECT CONSIDERATION OF CERTIFIED SB AND DVBE VENDORS, EFFECTIVE IMMEDIATELY, COMMANDS SHALL MAKE EVERY EFFORT TO ACQUIRE GOODS OR SERVICES FROM CERTIFIED SB OR DVBE VENDORS PRIOR TO SEEKING ALTERNATE SUPPLIERS. THIS REQUIREMENT INCLUDES "X" NUMBERS AND CAL-CARD ACTIVITIES. CERTIFIED SB AND DVBE VENDORS HAVE MET REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OF GENERAL SERVICES AND POSSES A CERTIFICATION LETTER. A COPY OF THIS CERTIFICATION LETTER SHALL BE OBTAINED BY THE REQUESTER AND FORWARDED WITH THE CHP 43, PURCHASE REQUISITION OR THE CHP 78, CONTRACT REQUEST. IN THE EVENT A CERTIFIED SB OR DVBE IS NOT SUITABLE, A WRITTEN JUSTIFICATION MUST BE INCLUDED ON EITHER THE CHP 43, PURCHASE REQUISITION FOR COMMODITIES OR CHP 78, CONTRACT REQUEST FOR SERVICES.

IN ORDER TO ASSIST COMMANDS WITH IMPLEMENTATION OF THESE DIRECTIVES, A CERTIFIED BUSINESS ADVOCACY UNIT WAS ESTABLISHED WITHIN BUSINESS SERVICES SECTION (BSS). THIS UNIT IS CHARGED WITH SMALL BUSINESS ADVOCATE AND LIAISON FUNCTIONS AND, AS REQUIRED BY CURRENT LAW, IS RESPONSIBLE FOR IMPROVING SB AND DVBE ACCESS TO DEPARTMENTAL PURCHASING AND CONTRACTING OPPORTUNITIES. AN EMPLOYEE TRAINING PROGRAM IS BEING DEVELOPED AND WILL INITIALLY BE INCORPORATED INTO THE CAL-CARD TRAINING SCHEDULED FOR MID-AUGUST.

CHAPTER IV. POLICY STATEMENTS

IF YOU CANNOT LOCATE A CERTIFIED SB OR DVBE FOR YOUR NEXT PURCHASE OR SERVICE REQUEST, PLEASE CONTACT THE CERTIFIED BUSINESS ADVOCACY UNIT AT (916) 375-2952. ROUTINE REQUESTS FOR ASSISTANCE REGARDING PURCHASING OR CONTRACTING PROCESSES SHOULD CONTINUE TO BE DIRECTED TO THE APPROPRIATE BSS UNIT. ABOVE POLICY CHANGES WILL BE INCORPORATED INTO THE NEXT REVISION OF HIGHWAY PATROL MANUAL (HPM) 11.1, CHAPTER 22, CONTRACTS/LETTERS OF AGREEMENT AND HPM 11.2, CHAPTER 7, PURCHASES.

QUESTIONS OR COMMENTS REGARDING THIS COMM-NET MAY BE DIRECTED TO MR. RICK CROLY, CERTIFIED BUSINESS ADVOCACY UNIT, (916) 375-2952, OR E-MAIL, RCROLY@CHP.CA.GOV.

CHP HDQTRS/OFFICE OF THE COMMISSIONER
76.A7721.SBAU

California Department of Consumer Affairs

Policy #	BSO-02-02	Effective date	Immediately	Issue Date	1/18/2002	Current Status	Active
Distribute to Executive Officers, Policy Chiefs and Division Chiefs				Original Signed By: Title Kathleen Hamilton Director			
Originating Unit	Business Services Office			Policy Partners	Department of General Services		
Author	Judy Masuda						
Superseded or cancelled number		Previous Issue date		Date Previous policy cancelled/expired		Previous document type	
CON 93-01		5/3/1993		1/18/2002		Policy	

Purpose This policy updates the Department of Consumer Affairs (DCA) policy and procedures for implementing the Governor's Executive Orders for Small Business (SB) D-37-01 and Disabled Veterans Business Enterprise (DVBE) D-43-01 Participation goals. This policy cancels and supersedes DCA Contracts Policy CON-93-0, Minority Business Enterprises, Women Business Enterprises, and Disabled Veterans Business Enterprises Contract Requirements, dated May 3, 1993.

Applicability This policy applies to all employees who request goods or services, all managers, supervisors, Executive Officers, and Bureau Chiefs who approve these requests, the Division of Administration and Information Technology (DAIT) purchasing, contracts, and facilities units.

Policy The DCA is committed to meeting the 25% SB and 3% DVBE participation goals and using SB/DVBE in goods is contingent upon the collaborative efforts of all boards, bureaus, programs divisions, and commissions. Consequently, all programs are responsible for planning their procurement and contract awards to ensure that the participation goals are achieved by the end of each fiscal year.

Authority Executive Order S-02-06, Small Business
Executive Order D-43-01, Disabled Veterans Business Enterprise

Provisions See Departmental Business Services Memorandum, DPM-BSO-02-02, for policy provisions.

Revisions Determination of the need for revision of this policy is the responsibility of the Business Services Office (BSO). Direct questions about the Department's SB/DVBE policy to the BSO at (916) 327-8846. Direct questions regarding the status or maintenance of this policy to the policy, Research, and planning Division at (916) 322-3525.

ADMINISTRATIVE POLICY

OPERATING 4.326 (revised 1/8/02)

**SMALL AND DISABLED VETERAN BUSINESS PROCUREMENT
PROGRAMS**

1.0 Purpose

The purpose of this policy is to endorse the departmental procurement participation levels expected for Small Business and Disabled Veteran Business Enterprises.

2.0 Persons Affected

All DMV staff that participate in procurement or contract activities.

3.0 Policy

Pursuant to [Executive Order S-02-06](#) and [Executive Order D-43-01](#) the DMV shall aggressively pursue an annual 25 percent certified Small Business and 3 percent certified Disabled Veteran Business Enterprise (DVBE) participation level in departmental contracting/procurement.

To facilitate this participation level the director has appointed a Small Business Advocate within the Administrative Services Division. The Small Business Advocate will assist department procurement and contract staff in identifying small businesses and DVBEs that can provide required commodities or services. Procurement staff will demonstrate a “good faith effort” by attempting to satisfy procurement and contracting needs through certified small business or DVBE vendors prior to contacting other resources.

4.0 Procedures

All department procurement staff will consult with the resources provided by the Small Business Advocate prior to preparing a commodity or service request. Where a commodity or service is available through a small or DVBE business, procurement staff will conduct a “good faith effort” to satisfy the procurement request through such a vendor.

5.0 Roles and Responsibilities

Small Business Advocate: Promote Small Business participation in state contracting and procurement opportunities, attend Small Business council meetings, state sponsored small business advocate task force groups, and the Governor's sponsored small business advocate meetings. Participate in state sponsored economic conference and opportunity fairs focusing on enhancing contracting and procurement opportunities for small businesses. Provide required reports to Agency; the Department of General Services, Office of Small Business Certification and Resources; the Department of Veterans Affairs; the Legislature; and the Governor's Office. Advise departmental Procurement staff on the best possible small business/DVBE solution to their specific issue or need.

Managers and Supervisors: Responsible to ensure that the department procurement staff observe this policy and coordinate procurement and contract efforts with the Small Business Advocate.

All Staff: Responsible to observe this policy and support the DMV "good faith effort" to provide requested commodities and services through certified small and DVBE businesses.

6.0 Definitions

Disabled Veteran Business Enterprise: A small business certified by the State whose owner has served in the military service.

Good faith effort: All efforts intended to identify and attain Small Business and DVBE participation.

Small Business: A business certified by the State to have 100 or fewer employees and average annual gross receipts of \$10 million or less over the previous three tax years, or a manufacturer with 100 or fewer employees.

7.0 Authority/References

[Executive Order S-02-06](#)

[Executive Order D-43-01](#)

AB 409, AB 505, and AB 2405

8.0 Related Information

DMV Small Business and DVBE Home Page at <http://www.dmv.ca.gov>